

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
October 21, 2014 – 9:00 A.M.

PRESENT: GARY J. ANDERSON, CHAIRMAN
LARRY A. ELLERTSON, VICE-CHAIR
COMMISSIONER DOUG WITNEY

ALSO PRESENT:

| | |
|--|---|
| David Shawcroft, Utah County Deputy Attorney | Andrea Allen, Utah County Recorder's Office |
| Paul Jones, Utah County Deputy Attorney | Dalene Higgins, Utah County Sheriff's Office |
| Cort Griffin, Utah County Deputy Attorney | Neal Peterson, Utah County Info. Systems |
| Dr. Joseph Miner, Health Department Exec. Director | Mike Stansfield, Fairways Media |
| Kris Poulson, Utah County Assessor | Patrick Wawro, Information Systems, GIS |
| Richard Nielson, Utah County Public Works Director | Clarissa Reeve, Utah County Assessor's Office |
| Julie Rollins, Utah County Purchasing Agent | Tyler Plewe, Utah County Health Department |
| Jeff Smith, Utah County Recorder | Jared Reese, Utah County Health Department |
| James O. Tracy, Utah County Sheriff | Sandy Nielson, Utah County Clerk/Auditor's Office |
| Steve Smith, Utah County Recorder | Jane Ivie, Utah County Personnel Office |
| Robert C. Kirk, Utah County Recorder | Vicky Westergard, Utah County Clerk/Auditor's |

Commissioner Anderson called the meeting to order at 9:20 A.M. and welcomed those present. The following matters were addressed:

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Doug Witney, Utah County Commissioner

CONSENT AGENDA

1. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON AN AGREEMENT WITH ATLAS INCORPORATED FOR THE PURCHASE OF 8,060 TONS OF ROAD BASE**
2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) OBLIGATING DOCUMENT FOR AWARD FROM THE UTAH DEPARTMENT OF PUBLIC SAFETY - DIVISION OF EMERGENCY MANAGEMENT, FOR THE AIRBOAT PROJECT**

Commissioner Witney asked if this was in addition to what had been funded. Sheriff Tracy explained it was in addition to it as it will put more equipment on the boat.

3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE APPLICATION FOR ELIGIBILITY FOR THE FEDERAL SURPLUS PROPERTY PROGRAM**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE BUSINESS ASSOCIATE AGREEMENT ADDENDUM WITH MOUNTAINLANDS FAMILY HEALTH CENTER**

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5. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH CLYDE SNOW & SESSIONS FOR PROFESSIONAL SERVICES

Bryan Thompson asked from what account will this come from to which Commissioner Ellertson answered from the discretionary account.

6. APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE

7. ABATE PERSONAL PROPERTY ACCOUNTS ATTACHED FOR THE YEARS INDICATED, HAVING BEEN IDENTIFIED AS UNCOLLECTIBLE; THERE ARE NO ASSETS AVAILABLE

8. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE CHILDREN'S JUSTICE CENTER AND THE UTAH COUNTY HEALTH DEPARTMENT

9. APPROVE THE MINUTES OF THE SEPTEMBER 16, 2014 COMMISSION MEETING

Bryan Thompson stated this item was requested to be stricken per Renée Huggins-Caron.

10. RATIFICATION OF PAYROLL

Period 21 5 Checks: \$ 3,694.16 1,115 Total Deposits: \$1,453,104.62 Total: \$1,456,798.78
Federal Payroll Taxes Total: \$ 212,179.02

11. RATIFICATION OF WARRANT REGISTER SUMMARY

| | | | | |
|-------------------|------------------|----------------------------|-----------|------------|
| Register No. 985 | October 13, 2014 | Direct Deposit:20542-20568 | Total: \$ | 7,390.54 |
| Register No. 986 | October 13, 2014 | Check Nos. 199816-199845 | Total: \$ | 7,278.80 |
| Register No. 987 | October 13, 2014 | Direct Deposit:20569-20586 | Total: \$ | 6,214.40 |
| Register No. 988 | October 13, 2014 | Check Nos. 199846-199863 | Total: \$ | 5,241.47 |
| Register No. 989 | October 13, 2014 | Direct Deposit:20587-20587 | Total: \$ | 4,600.00 |
| Register No. 990 | October 13, 2014 | Check Nos. 199864-199916 | Total: \$ | 2,352.00 |
| Register No. 991 | October 13, 2014 | Purchasing Cards 3140-3141 | Total: \$ | 6,876.51 |
| Register No. 992 | October 13, 2014 | Direct Deposit:20588-20589 | Total: \$ | 636.26 |
| Register No. 993 | October 13, 2014 | Check Nos. 199917-199946 | Total: \$ | 49,342.56 |
| Register No. 994 | October 14, 2014 | Bond Wires:321-322 | Total: \$ | 159.60 |
| Register No. 995 | October 14, 2014 | Purchasing Cards 3142-3155 | Total: \$ | 2,776.24 |
| Register No. 996 | October 14, 2014 | Check Nos. 199947-199999 | Total: \$ | 199,370.54 |
| Register No. 997 | October 14, 2014 | Purchasing Cards 3156-3156 | Total: \$ | 3,696.25 |
| Register No. 998 | October 14, 2014 | Direct Deposit:20590-20605 | Total: \$ | 4,835.89 |
| Register No. 999 | October 14, 2014 | Check Nos. 200000-200043 | Total: \$ | 204,933.78 |
| Register No. 1000 | October 14, 2014 | Check Nos. 200044-200044 | Total: \$ | 19,747.00 |
| Register No. 1001 | October 15, 2014 | Check Nos. 200045-200051 | Total: \$ | 336.00 |
| Register No. 1002 | October 15, 2014 | Check Nos. 200052-200054 | Total: \$ | 13,341.48 |
| Register No. 1003 | October 16, 2014 | Bond Wires:323-324 | Total: \$ | 418.79 |
| Register No. 1004 | October 16, 2014 | Purchasing Cards 3157-3160 | Total: \$ | 543.49 |
| Register No. 1005 | October 16, 2014 | Direct Deposit:20606-20610 | Total: \$ | 38,792.33 |
| Register No. 1006 | October 16, 2014 | Check Nos. 200055-200083 | Total: \$ | 97,353.22 |
| Register No. 1007 | October 16, 2014 | Direct Deposit:20611-20621 | Total: \$ | 773,491.97 |
| Register No. 1008 | October 16, 2014 | Check Nos. 200084-200093 | Total: \$ | 78,128.37 |
| Register No. 1009 | October 17, 2014 | Direct Deposit:20622-20643 | Total: \$ | 2,918.20 |

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|-------------------|------------------|----------------------------|------------------------------|
| Register No. 1010 | October 17, 2014 | Check Nos. 200094-200103 | Total: \$ 5,849.73 |
| Register No. 1011 | October 17, 2014 | Purchasing Cards 3161-3161 | Total: \$ 25,297.64 |
| Register No. 1012 | October 17, 2014 | Check Nos. 200104-200109 | Total: \$ 2,839.25 |
| Register No. 1013 | October 17, 2014 | Direct Deposit:20644-20653 | Total: \$ 3,906.72 |
| Register No. 1014 | October 17, 2014 | Check Nos. 200110-200137 | Total: \$ 54,468.65 |
| Register No. 1015 | October 17, 2014 | Purchasing Cards 3162-3165 | Total: \$ 646.29 |
| Register No. 1016 | October 17, 2014 | Check Nos. 200138-200152 | Total: \$ 128,126.60 |
| | | | Total: \$1,751,910.57 |

Consent Agenda Item Nos. 1 through 8, 10 and 11 were approved as written. Item No. 9 was stricken. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

1. **APPROVE EMPLOYEE DONATION OF LEAVE TIME WITHIN THE UTAH COUNTY TREASURER'S OFFICE**
3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH RICOH FOR AN MPC4000 COPIER, SERIAL NO. C30042945, LOCATED IN THE HEALTH DEPARTMENT - PROVO WIC**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PREMIER FOOD SAFETY TO PROVIDE FOOD HANDLER PERMIT TRAINING**
5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 4 TO AGREEMENT NO. 2013-635 WITH HARWARD & REES IN THE AMOUNT OF \$102,887.54 FOR PIPE, CONDUIT MATERIAL, MAINTAIN ROADWAY DURING SHUTDOWN AND OVER/UNDER RUNS ON MATERIALS BILLED AT UNIT PRICE AS PER ORIGINAL CONTRACT FOR THE PAYSON CANYON BRIDGE PROJECT**
(Continued from the October 14, 2014 Commission meeting)
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN CHANGE ORDER NO. 1 TO AGREEMENT NO. 2014-452 WITH RAASS BROTHERS, INC. FOR THE HISTORIC COURTHOUSE PHASE 2 PROJECT**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN ORDER FORM FOR UTOPIA TO PROVIDE 20 MB SERVICE TRANSPORT CONNECTIONS TO THE PAYSON WIC FACILITY AND THE OREM PROMISE FACILITY**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE REAL ESTATE PURCHASE AGREEMENT WITH CHAEL PROPERTIES IN THE AMOUNT OF \$356,300, AND AUTHORIZE THE UTAH COUNTY PUBLIC WORKS DIRECTOR TO SIGN THE CLOSING STATEMENT AND OTHER RELATED DOCUMENTS**

Bryan Thompson commented the account that was listed on the agenda where the funds would come from has an insufficient amount. A budget transfer would need to be done.

10. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH PRESS MEDIA FOR PRINTING OF THE UPDATED UTAH COUNTY ATLAS**

Commissioner Ellertson asked what amount was ordered in the past. Patrick Wawro stated this is the same amount (2500) as ordered in the past. Commissioner Ellertson asked if the cost per copy the same as in the past. Patrick stated it was much lower this year as previously the cost was around \$10 but is \$6.58 this year.

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12. **APPROVE AND AUTHORIZE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH NEW DAWN TECHNOLOGIES FOR A CASE AND DOCUMENT MANAGEMENT SYSTEM FOR THE UTAH COUNTY ATTORNEY'S OFFICE** *(Continued from the September 30, October 7, and October 14, 2014 Commission meetings)*

CONTINUED TO OCTOBER 28, 2014

14. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$20,000.00 TO TIMPANOGOS LEGAL CENTER FOR THE TLC PROJECT**
15. **ADOPT RESOLUTION OF APPOINTMENT OF BRYAN ACKERMAN TO THE ADMINISTRATIVE CONTROL BOARD OF THE NORTH FORK SPECIAL SERVICE DISTRICT**

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 10 and 11 were ratified; Nos. 2, 3, 4, and 5 were approved and authorized; No. 6 was approved; No. 7 was abated; No. 8 was adopted; and No. 9 was stricken. Regular Agenda Item Nos. 1 and 2 were approved; and Nos. 3, 4, 5, 7 through 10 and 14 were approved and authorized; No. 12 was continued to October 28, 2014 and No. 15 was adopted.

AGREEMENT NOS: 2014-703, 2014-704, 2014-705, 2014-706, 2014-707, 2014-708, 2014-709, 2014-710, 2014-711, 2014-712, 2014-713, 2014-714, 2014-715, 2014-716 and 2014-717

RESOLUTION NOS.: 2014-106 and 2014-107

REGULAR AGENDA

2. **APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR MICHAEL RIVERS, SERIAL NO. 35:512:0051**

Commissioner Ellertson made the motion to approve the late veteran abatement for Michael Rivers because to not do so would be against equity and good conscience. Commissioner Witney seconded the motion and carried with the following vote:

AYE: Commissioner Anderson
Commissioner Ellertson
Commissioner Witney

NAY: None

APPROVED

6. **APPROVE OR DENY A REQUEST FROM THE UTAH COUNTY EMPLOYEES ASSOCIATION TO WAIVE THE REQUIREMENT OF SECTION 1.6.A OF THE UTAH COUNTY FACILITY USE POLICY, AND AUTHORIZE THEM TO CONDUCT A BOOK SALE IN ROOM NO. L-700 OF THE ADMINISTRATION BUILDING ON MONDAY, NOVEMBER 3 AND TUESDAY, NOVEMBER 4, 2014**

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Commissioner Ellertson made the motion to approve the request by the County Employees Association relative them holding a book sale due to the value being greater than the revenues that would have been otherwise received by the county. Commissioner Witney seconded the motion and carried with the following vote:

**AYE: Commissioner Anderson
Commissioner Ellertson
Commissioner Witney**

NAY: None

AGREEMENT NO. 2014-718

11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE SALES PROCEEDS DISBURSEMENT AGREEMENT BETWEEN UTAH COUNTY, BARROW LAND AND LIVESTOCK, LLC (C/O DEAN BARROW), LINDA BARROW, JUSTIN BARROW AND TRUDY AND RORY CHILDS DBA SMOKEY MOUNTAIN RANCH

Cort Griffin explained this is the money from the horses that were seized from the abusive situation with the Childs. They were ordered by the judge to go to auction and were sold at auction. The receipts were turned in to the Treasurer's Office. Commissioner Ellertson commented the judge gave them a judgment of \$70,000 and the net proceeds from the sale are considerably less than that amount. This agreement gives to the Barlows the entire amount that they were sold for. The question is what happens with the rest of the amount. Cort explained that is between the parties. In this signed agreement, the Childs have waived any rights to the proceeds. That is the important thing in this agreement. Commissioner Witney asked Bryan Thompson if it was correct that this money was put into the General Account. Bryan said it was done initially. He continued stating his office was not aware of it until it came up that a refund needed to be done. It was not placed in a specific account. We know where the money is at and a refund will be issued appropriately.

Commissioner Ellertson made the motion to approve and authorize the chair to sign the agreement contained in Item No. 11 on the agenda. Commissioner Witney seconded the motion and carried with the following vote:

**AYE: Commissioner Anderson
Commissioner Ellertson
Commissioner Witney**

NAY: None

AGREEMENT NO. 2014-719

13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE UTAH DEPARTMENT OF AGRICULTURE AND FOOD FOR THE PROVISION OF SURPLUS COMPUTER EQUIPMENT AND INTERNET ACCESS

Neil Peterson explained this is an agreement with the Department of Agriculture which has an office in the Utah County Health and Justice Building. They want us to provide them with 6 workstations for the public to do agricultural tests and have internet access. This is not a new program but the State is no longer providing technology for it. This would be a brand new agreement for us. The equipment does not have to be brand new, just working. It would be a small revenue source; \$300 a month or \$3,600 a year.

Commissioner Witney made to motion to approve and authorized Item No. 13. Commissioner Ellertson seconded the motion and carried with the following vote:

**AYE: Commissioner Anderson
Commissioner Ellertson
Commissioner Witney**

NAY: None

AGREEMENT NO. 2014-720

At this point the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

- 16. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS**

STRICKEN

- 18. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**

STRICKEN

- 20. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED**

STRICKEN

Commissioner Witney made the motion to strike Regular Agenda Item Nos. 16, 18 and 20 to set dates, times and locations for closed meetings to discuss the character, professional competence, or physical or mental health of an individual or individuals; for a strategy session to discuss the purchase, exchange, or lease of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Commissioner Anderson
Commissioner Ellertson
Commissioner Witney

NAY: None

- 17. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION**

Commissioner Witney made the motion to set a date, time, and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Commissioner Anderson
Commissioner Ellertson
Commissioner Witney

NAY: None

SET

19. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY

Commissioner Witney made the motion to set a date, time, and location for a closed meeting for a strategy session to discuss the sale of real property this date at this location following the previous meeting. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Commissioner Anderson
Commissioner Ellertson
Commissioner Witney

NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments.

The meeting recessed at 9:40 A.M. to go into closed session meetings. The public meeting reconvened at 9:59 A.M.

Commissioner Witney made the motion to adjourn the October 21, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Commissioner Anderson
Commissioner Ellertson
Commissioner Witney

NAY: None

There being no further business nor public comment, the meeting adjourned at 10:00 A.M. The minutes of the October 21, 2014 Commission meeting were approved as transcribed on November 18, 2014.

GARY J. ANDERSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

Copies available on the County Website at www.utahcountyonline.org
Recorded by Vicky Westergard, Tax Administration Clerk